

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE ANNUITY, PENSION, WELFARE
AND TRAINING FUNDS OF THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 14-14B,
AFL-CIO, by their Trustees EDWIN L.
CHRISTIAN, CHRIS CONFREY, JOHN
CRONIN, DON DENARDO, RENZO
COLLAVINO, DANIEL NOESGES,
DENISE M. RICHARDSON, and JOHN F.
O'HARE,

MEMORANDUM AND ORDER

Case No. 12-CV-6354 (FB) (CLP)

Plaintiffs,

-against-

INTEGRATED STRUCTURES CORP.,

Defendants.
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BLOCK, Senior District Judge:

On July 9, 2013, Magistrate Judge Pollak issued a report and recommendation ("R&R") recommending that plaintiffs be awarded \$25,255.55 in damages on their claims against Integrated Structures Corp. ("Integrated"), plus interest accruing between the date of the R&R and the entry of judgment. The R&R recited that "[a]ny objections to this Report and Recommendation must be filed . . . within fourteen (14) days of receipt," and that "[f]ailure to file objections within the specified time waives the right to appeal the District Court's Order." R&R at 21.

A copy of the R&R was mailed to Integrated's last known address on July 9, 2013, making objections due by July 26th. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

The R&R contains no error, let alone plain error. Accordingly, the Court adopts it without *de novo* review. The Clerk shall enter judgment in favor of plaintiffs and against Intergrated in the total amount of \$25,344.90 (\$25,255.55 plus \$89.35 in interest accruing between July 10 and August 13, 2013).

SO ORDERED.

/s/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

August 13, 2013
Brooklyn, New York